

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**White River School District
Accountability Review - Focus Monitoring Report 2007-2008**

Team Members: Valerie Johnson, team leader; Angie Boddicker, Special Education Programs; Donna Huber and Penny McCormick-Gilles, Educational specialists

Dates of On Site Visit: April 24 & 25, 2008

Date of Report: May 12, 2008

3 month update due: August 12, 2008 Date Received:

6 month update due: November 12, 2008 Date Received:

9 month update due: February 12, 2008 Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act;
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of February 17, 2006)

Out of compliance

Issues requiring immediate attention

ARSD 24:05:13:02 Free appropriate public education (FAPE)

FAPE includes special education and related which meet the following requirements: 1. Are provided at public expense, under public supervision and direction, and without charge; 2. Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act; 3. Include preschool, kindergarten, elementary school and secondary school education in South Dakota; and 4. Are provided in conformity with an individual educational program and the article.

Through a student file review, the monitoring team determined there is a student on child count who is not being provided special education services in accordance with state requirements. The student's annual IEP review date was 12-15-05. Documentation indicates no meeting was held until 1-26-06, at which time only the special education teacher and principal signed the IEP; however, the IEP was not completed (i.e. special education service to be provide and placement). Through the file review and staff interview, it was determined that special education services are not being provided.

The district must reconvene the student's IEP committee and complete documentation to provide FAPE to the student.

Follow-up: April 24, 2008

Finding: District meets compliance in this area.

GENERAL SUPERVISION

Immediate Fixes

ARSD 24:05:22:03. Certified child.

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an Individual Education Program formulated and approved by a local placement committee. Documentation supporting a child's

disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

Finding: Through file reviews, the team found four students whose evaluation did not support their disability.

Child 1: Student is identified as Serious Emotional Disturbance. There were no behavioral evaluations completed during the 2007 evaluation.

Child 10: Student is identified as Specific Learning Disabled. The evaluation data from 2/7/2008 does not support this disability.

Child 12: Student is identified as Cognitive Disability. An adaptive behavior evaluation was not conducted to support this disability during the evaluation conducted in October of 2007.

Child 14: Student is identified as Multiple Disability. An adaptive behavior evaluation was not conducted to support this evaluation during the 2006 evaluation.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All four files will be reviewed by the multi-disciplinary team to determine evaluations which need to be completed to determine correct eligibility. Data Collection: Send a copy of the evaluation and eligibility determination to SEP programs.	Immediately	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Present levels: : (Statement of present levels of performance that resulted in area of non-compliance from report of February 17, 2006)

ARSD 24:05:25:04:02. Determination of needed evaluation data

As part of an evaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate, shall: review existing evaluation data on the child, including evaluations and information provided by the parents of the child; current classroom-based assessments and observations; and observations by teachers and related services providers.

No documentation was found in two student file reviews to support that determination of needed evaluation data occurred prior to the students being dismissed from special education service this past year.

Follow up: April 24 & 25, 2008

Findings: The district meets compliance in this area.

Out of compliance

ARSD 24:05:30:04. Prior notice. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents.

ARSD 24:05:30:05. Content of notice. The notice must include the following:

(1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;

(2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;

(3) A description of any other factors which are relevant to the district's proposal or refusal;

(4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

(5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Findings: Through file reviews, the team concluded prior notice to parents does not always contain the necessary information. Notices were missing evaluations which were conducted and contained evaluations which were not conducted. Consent and meeting notices were identical other than an added statement to indicate the evaluations were completed. Two files did not contain prior notices for meetings which were held.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All special education staff (teachers, director and related service personnel) should attend a workshop conducted by SEP staff which reviews special education procedures for the IEP process. Data Collection: Send a copy of the agenda for the workshop to SEP programs, any handouts and a list of all those who attended.	April 24, 2009	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Out of Compliance:

ARSD: 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following:

(1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer. In addition, assessments and other evaluation materials:

(a) Are used for the purposes for which the assessments or measures are valid and reliable; and

(b) Are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producer;

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment accurately reflects the child's aptitude or achievement level or whatever other factors the assessment purports to measure, rather than the child's impaired sensory, manual, or speaking skills except where those skills are the factors which the assessment purports to measure;

(4) No single measure or assessment is used as the sole criterion for determining eligibility or an appropriate educational program for a child;

(5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

(a) Whether the child is a child with a disability; and

(b) The content of the child's IEP, including information related to enabling the child:

(i) To be involved in and progress in the general education curriculum;

(6) Technically sound instruments, assessment tools, and strategies are used that:

(a) May assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and

(b) Provide relevant information that directly assists persons in determining the educational needs of the child;

(7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Findings: Through file reviews the team concluded evaluations are not comprehensive. Students with behavior concerns did not have behavior evaluations completed, adaptive behavior was not assessed for students with cognitive disabilities.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: Multi-disciplinary teams will ensure all evaluations are comprehensive and	April 24,	White River	

parents are given notice. Data Collection: Each special education teacher will submit a complete collection of the following for two students who are either initially evaluated or re-evaluated during the 2008 – 2009 school year to SEP programs. (prior notice for consent, prior notice for meeting, copy of evaluation, eligibility documentation and IEP)	2009		
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Out of Compliance

ARSD 24:05:25:06. Reevaluations. A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation.

A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents consistent with § 24:05:25:03.

Each school district shall follow the procedures under § 24:05:25:04.02 when reevaluating a student for the additional purposes of:

(1) Determining whether the child continues to have a disability and determining the educational needs of the child;

(2) Determining the present levels of academic achievement and related developmental needs of the child;

(3) Determining whether the child continues to need special education and related services; and

(4) Determining whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Findings: Through file reviews and interviews with the special education staff, there were four instances of timelines not being met during evaluation. Three of them were during re-evaluations, and one was during an initial evaluation.

Corrective Action: Document the specific activities	Timeline for	Person(s)	(SEP Use
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and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Completion	Responsible	Only) Date Met
Activity/Procedure: White River will ensure all timelines for evaluation and eligibility are met. Data Collection: Special education staff will meet to create a format for keeping track of timelines. Submit date, agenda and personnel in attendance. Data Collection: Each special education teacher will submit a complete collection of the following for two students who are either initially evaluated or re-evaluated during the 2008 – 2009 school year to SEP programs. (prior notice for consent, prior notice for meeting, copy of evaluation, eligibility documentation and IEP)	April 24, 2009	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Out of Compliance

ARSD 24:05:25:12. Documentation of eligibility for specific learning disabilities. For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall contain a statement of:

(1) Whether the child has a specific learning disability;

(2) The basis for making the determination, including an assurance that the determination has been made in accordance with this section;

(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(4) The educationally relevant medical findings, if any;

(5) Whether:

(a) The child does not achieve adequately for the child's age or does not meet state-approved grade-level standards; and

(b) The child does not make sufficient progress to meet age or state-approved grade-level standards; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development;

(6) The determination of the group concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level;

(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention:

- (a) The instructional strategies used and the student-centered data collected; and
- (b) The documentation that the child's parents were notified about:

- (i) The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
- (ii) Strategies for increasing the child's rate of learning; and
- (iii) The parents' right to request an evaluation;

(8) If using the discrepancy model, the group finds that the child has a severe discrepancy of 1.5 standard deviations between achievement and intellectual ability in one or more of the eligibility areas, the group shall consider regression to the mean in determining the discrepancy; and

(9) If using the response to intervention model for eligibility determination, the group shall demonstrate that the child's performance is below the mean relative to age or state approved grade level standards.

Findings: Through file reviews and interviews with staff, the team determined the district is not consistently using an eligibility form which contains all the content required and some staff do not understand the requirements for filling out all areas of the eligibility form. Recent evaluations contained several different forms for eligibility determination.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: District will ensure eligibility forms are consistent across the district and all personnel are completing them in accordance with the law.</p> <p>Data Collection: Each teacher will submit a copy of an evaluation report and an eligibility determination form for a student with learning disabilities who is evaluated during the 2008 – 2009 school year to SEP programs.</p>	April 24, 2009	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report of February 17, 2006)

Out of compliance

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

Present level of performance

A student's IEP must contain present levels of performance based upon the skill areas affected by the student's identified disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process.

The monitoring team agrees with the steering committee's findings in the area of present levels of performance (PLOP). Student files lacked the required content (i.e. specific skill area(s) affected by the student's disability, to include strengths and needs, along with how the disability affects the student's involvement in the general curriculum and parent input). File reviews indicated a need to improve functional assessments to acquire the skill-based information to develop present levels of performance for students eligible for special education services.

Follow up: April 24 & 25, 2008

Findings: Out of compliance Through file reviews, the team concluded student files lacked the required content in Individual Educational Programs. Files contained identical programs for two and three years with only the front page being changed. This included PLAAFP statements, goals and objectives and areas of the programs which had not been completed. Justification for placement decisions was not specific to instructional needs.

Examples: 0100 option was accepted because xxxx is able to be successful with only a minimum of modifications.

0100 was rejected because it did not allow for alternative materials for reading, language arts and spelling.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: White River will ensure all IEP's contain required content. Data Collection: Each special education teacher will submit a complete collection of the following for two students who are either initially evaluated or re-evaluated during the 2008 – 2009 school year to SEP programs. (prior notice for consent, prior notice for meeting, copy of evaluation, eligibility documentation and IEP)	April 24, 2009	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

ARSD 24:05:27:13.02 Transition Services

Transition services are a coordinated set of activities for a student with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

The district has made some improvement in transition services file reviews and interviews with staff indicate it is out of compliance. The review team concluded transition assessments are completed; however, the information was not documented in student's present level of performance (PLOP). The present levels of performance for the five transition areas (employment, independent living, community participation, adult services and post secondary) should be based upon the functional assessment information. The present levels of performance lacked the student's strengths, weakness/needs regarding school to secondary activities.

Transition services and activities need to be utilized as a planning device to help ensure the students achieved their desired outcomes for employment and independent living. Although file reviews indicate improvement in developing a written plan on how the students would meet their postsecondary outcomes, the district needs to improve the coordination of the activities with the assessments, which are completed for transition. The student's IEP did not have a coordinated set of activities, which addressed the individual student's needs.

In addition, documentation indicates one out of five students transition age have attended their IEP meeting since May 2005. Through interview with staff, it was determined that no plan of action is in place to improve student attendance at their IEP meetings.

Follow up: April 24 & 25, 2008

Findings: Out of Compliance Based on interview and file reviews, the team concluded the district has made nice progress on transition portions of the evaluation and individual educational program, but continues to have some difficulty with understanding measurable post secondary goals. The goals were not written in measurable terms or linked to annual goals.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: All transition IEP's will contain measurable post secondary goals written in I statements and linked to annual goals within the IEP. Data Collection: Submit a complete collection of the following for two transition age students who are either initially evaluated or re-evaluated during the 2008 – 2009 school year to SEP programs. (prior notice for consent, prior notice for meeting, copy of evaluation, eligibility documentation and IEP)	April 24, 2009	White River	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

ARSD 24:05:27:01.02 Development, review and revision of the IEP- Consideration of Special Factors

In developing, reviewing, and revising each student's IEP, the team shall consider the strengths of the students and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the students as appropriate, and the results of

the student's performance on any general state or district-wide assessment program. The individualized education program team also shall: In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

In several student files reviewed, behavioral assessment and/or present levels of performance contained information regarding the impact of student behavior on educational performance. However, in developing the IEPs for these students, the team checked "no," that the behavior does not impede learning and did not address strategies, including positive behavioral interventions and supports, to address the behaviors.

Follow up: April 24 & 25, 2008

Findings: Through file reviews and interviews, the team concluded the district meets requirements in this area.

DISPROPORTIONALITY

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from report.)

Follow-up:

Finding: No findings at this time.

Corrective Action: